

Application No. 10/748,871
Response dated April 8, 2008
Reply to Office Communication of March 10, 2008

Remarks/Arguments:

This is in response to the Office Communication of March 10, 2008. In the Office Communication, the application is restricted to Group I, including claims 1-56 drawn to a recording and reproducing apparatus which records and reproduces a plurality of still image files and sound files with respect to a recording medium, and Group II, including claims 57-60, drawn to a recording and reproducing apparatus for recording, reproducing, and editing a plurality of image files recorded in a recording medium.

In response, the Applicants provisionally elect Group I, including claims 1-56, with traverse.

In the Office Communication, the Examiner has determined that the inventions of Groups I and II are distinct from each other, since they are related as combination and sub combination. The Office Communication further states that Groups I and II have separate classification in the Patent Office classification system and that it would be a serious burden on the Examiner if the restriction is not required.

However, independent claims 1, 3 and 57 each recite subject matter of a system and method for recording and reproducing image and sound files and wherein a display system and apparatus is provided to facilitate the recording and reproducing steps, which will require search by the Examiner. A search and examination of the claims therefore, due to the significant degree of common subject matter in Groups I and II, should not be a serious burden on the Examiner. Under MPEP §803, "if the search and examination of an entire

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application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions". Accordingly, the Applicants believe that the restriction requirement should be withdrawn in view of the common subject matter in the claims.

Should the Examiner have any questions or require further information, he is invited to contact the undersigned attorney at the local telephone number indicated below.

Respectfully submitted,

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